

Claims 1, 3 and 5-16 are pending in the application. Examiner allowed Claims 12-14. Examiner rejected Claims 1, 3 and 5-11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,490,396 to Morris. Examiner objected to Claims 15 and 16 as being dependent upon a rejected base Claim, but would be allowable if rewritten in independent form including all of the limitations of the base Claim and any intervening Claims.

Examiner rejected Claims 1, 3 and 5-11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,490,396 to Morris. Examiner states:

In FIG. 4, Morris teaches a cooler (20) comprising a sidewall portion including an outer layer (10) and an inner layer (8) quilted (13A-E) to form a plurality of gel pockets (col 1, line 39) and gel (3) disposed in the plurality of gel pockets; wherein the cooler is foldable along regions between the gel pockets (see abstract); wherein quilting the outer layer and the inner layer results in a polygonal shape (see FIG. 3); said cooler further comprising a lid (2) including an outer layer (8) and an inner layer (10) quilted to form a plurality of gel pockets (col 1, lines 9-10), wherein the lid is sealably connected to the sidewalls (9) and wherein the connection is VELCRO connection (see abstract); wherein said cooler further comprises a bottom (col 2, lines 23-25) including an outer layer (10) and an inner layer (10) quilted (13) to form a plurality of gel pockets, wherein the bottom is fixably attached to the sidewall via stitching (col 2, lines 44-46) and wherein the cooler further comprises a bottom flap (14) foldably attached to a seam between the bottom and the sidewall.

Per the telephone conversation with Examiner on 09/11/2007, applicant believes the amended limitations to Claims 1, 3, 5 and 8 overcome Examiner's previous rejection. Applicant asks Examiner allow on this basis currently amended Claims 1, 3, 5 and 8.

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,490,396 to Morris, in view of U.S. Patent 6, 474,095 to Chan. Applicant previously agreed with Examiner's rejection and canceled Claim 2.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,490,396 to Morris. Applicant previously agreed with Examiner's rejection and canceled Claim 4.

Claim 3 (Dependant), Claims 5-11 (Dependant), Claims 15-16 (Dependent)

Claim 3, Claims 5-11 and Claims 15-16 depend on Claim 1 and Claims 3, 5 or 8 and applicant believes that the current amendments for Claims 1, 3, 5 and 8 may be

applied to the patentability of Claim 3, Claims 5-11 and Claims 15-16 to overcome Examiner's rejection and objection. Applicant asks that Claim 3, Claims 5-11 and Claims 15-16 be allowed on this basis.

Gerry Fischer

A handwritten signature in black ink, appearing to read "Gerry Fischer", written in a cursive style.

Attorney at Law